

Supreme Court of Florida

THURSDAY, OCTOBER 25, 2001

CASE NO.: SC01-2078

INQUIRY CONCERNING
A JUDGE, NO. 00-261
RE: ROBERT H. BONANNO

ORDER

This Court has for its review the Motion of the Florida Judicial Qualifications Commission ("JQC") to unseal grand jury testimony dated October 3, 11, 25, November 15 and December 5, 2000, that has been submitted to this Court under seal. Judge Robert H. Bonanno responded and joins in the JQC's request to unseal the grand jury testimony. The Attorney General on behalf of State Attorney Jerry Hill has filed a motion requesting that this Court remand the issue of whether to unseal the testimony to Judge Susan F. Schaeffer, who is the circuit court judge that was appointed to oversee the grand jury in this case. The JQC responded that because the present action did not arise in the circuit court but rather arose before the JQC a motion to remand is inappropriate. Upon consideration of the pleadings filed in this cause and the applicable law, this Court:

ORDERS that the JQC's motion to unseal grand jury testimony is granted and the grand jury testimony submitted to this Court under seal shall be and is hereby unsealed. The State Attorney's motion to remand is denied.

FURTHER the JQC in its motion to unseal represented to this Court that without the grand jury testimony being unsealed, the JQC "cannot determine whether and as to what matters, Judge Bonanno gave conflicting testimony, and Judge Bonanno cannot defend himself against such claim." The JQC also represented to this Court that in "order to maintain public confidence in the judiciary" all "material submitted to this Court, including the grand jury testimony, should be unsealed." In light of these representations and the status of this record, this Court is unable to determine whether the interests of justice would be served by the JQC's recommended disposition.


Accordingly, it is ORDERED that this matter is returned to the Commission for further proceedings on the merits of the issues of misconduct as well as the

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appropriate discipline. By so remanding this cause, the Court makes no determination as to whether the JQC's present recommendations will be rejected or accepted. It is further ORDERED that any further proceedings take place as expeditiously as possible.

HARDING, ANSTEAD, PARIENTE and QUINCE, JJ., concur.
SHAW and LEWIS, JJ., concur in result only.
WELLS, C.J., recused.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



bm
Served:

BROOKE S. KENNERLY
LAURI WALDMAN ROSS
HON. JERRY HILL
RALPH FERNANDEZ
CAROLYN M. SNURKOWSKI